



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

BRIGHT IMPERIAL LTD.,

Plaintiff,

-v-

RT MEDIASOLUTIONS S.R.O., ET AL.

Defendants.

Civil Action No. 1-11-CV-935

ORDER


Before the Court is the Report and Recommendation (Dkt. No. 170) of the Magistrate Judge, denying Plaintiff's Motion For Default Judgment (Dkt. No. 145) against defendant domain names <my-redtube.com>, <redtube24.com>, <redtube24.net>, <redtube-hardcore.com>, <red-tube-porn.net>, and <reds-tube.com> (the "*in rem* defendant domain names"). The Plaintiff objected to the Magistrate Judge's report (Dkt. No. 171), the *in personam* defendants in the case filed an Opposition (Dkt. No. 176), and the Plaintiff filed a Reply (Dkt. No. 177).

The Court has reviewed the Magistrate Judge's Report and Recommendation, as well as the pleadings and relevant briefs from all parties, and agrees that granting default judgment at this time would be premature. Even though the *in rem* defendant domain names are in default, it remains the Plaintiff's burden to prove that they infringe on Plaintiff's mark. The validity of Plaintiff's mark will be tested in the course of its case against the *in personam* defendants. That case must be resolved before the Court grants default judgment against the *in rem* defendant domain names.

For the reasons above, as well as those set forth in the Magistrate Judge's Report and Recommendation, it is hereby **ORDERED** that the Plaintiff's Motion for Default Judgment against the *in rem* defendant domain names is **DENIED**.

September 17, 2012

Alexandria, Virginia

/s/ 

Liam J. Grady
United States District Judge